

Application No. 10/002,645
Reply to Office Action of September 26, 2005
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IN THE DRAWINGS

The attached sheet of drawings includes new Fig. 5.

Attachment: New Drawing Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10, 12-16, 18, 20, and 21 are pending in the present application, Claims 1-10, 12-16, 18, 20 and 21 having been amended, and Claims 11, 17, and 19 having been canceled without prejudice or disclaimer. Support for the amendments to Claims 1-16, 18, 20, and 21 is found, for example, in original Claims 11, 17, and 19 and the specification at page 11, lines 6-9. Thus, new matter is added.

In the outstanding Office Action, the drawings were objected to for not showing every feature of Claims 5 and 7; Claims 1, 5, 7, 13, 15, and 18 were rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; Claims 1, 2, 4, 8-10, 12-14, 18, 20, and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Sato et al. (U.S. Patent No. 6,400,689, hereinafter Sato) in view of Mauger et al. (U.S. Patent No. 6,937,612, hereinafter Mauger); Claims 3 and 16 were rejected under 35 U.S.C. §103(a) as obvious over Sato in view Mauger, and further in view of Koo (U.S. Patent Publication No. 2001/0032270); Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as obvious over Sato in view of Mauger, and further in view of Riggan et al. (U.S. Patent No. 6,490,252, hereinafter Riggan); Claims 7 and 15 were rejected under 35 U.S.C. §103(a) as obvious over Sato in view Mauger, in view of Riggan, and further in view of Buhrke et al. (U.S. Patent No. 5,231,631, hereinafter Buhrke); and Claims 11, 17, and 19 were rejected under 35 U.S.C. §103(a) as obvious over Sato in view Mauger, and further in view of Grandcolas et al. (U.S. Patent No. 5,867,153, hereinafter Grandcolas).

With respect to the objection to the drawings, Applicant respectfully traverses the objection and submits that the figures show every element of claims.

The outstanding Office Action states that Figures 3 and 4 are “just boxes with modules that fails to show the claimed limitation such as receiving inter-device transmission data and inter-device negotiation data from a least one network device and compare the received data with the policy database and directing the at least one network device according to [t]he policy database.”¹ However, the structural limitations of the claims are shown by the “boxes,” which are operable to perform the functions recited in the claims.

However, to advance prosecution, new Fig. 5 is added to more clearly depict the functional aspects of the advanced manager. Thus, Applicants respectfully submit that every feature of the claims, including Claims 5 and 7, are shown in the figures.

In view of the above discussion, Applicant respectfully requests that the objection to the drawings be withdrawn.

With respect to the rejection of Claims 1, 5, 7, 13, 15, and 18 under 35 U.S.C. § 112, second paragraph, the antecedent basis informalities noted in the outstanding Office Action are corrected by the present amendment. Furthermore, Applicant notes that no specific rejections for Claim 5 and 7 under 35 U.S.C. § 112, second paragraph are included in the outstanding Office Action. Accordingly, Applicant respectfully submits that the rejection of Claims 1, 5, 7, 13, 15, and 18 is overcome.

Claim 1 is amended to recite features from Claim 11 as well as features described in the specification at page 11, lines 6-9. Thus, the rejection of Claims 1-10 and 12 are moot.

With respect to the rejection of Claim 1 under 35 U.S.C. § 103(a) as unpatentable over Sato, in view of Mauger, and further in view of Grandcolas, Applicants respectfully traverse the rejection. Amended Claim 1 recites, *inter alia*, “query at least one of the plurality of network devices to determine at least one software application running on each one of the plurality of network devices, classify a functionality of the at least one network device via the

¹ Office Action, page 2.

one network communication port based upon network transmission characteristics of the at least one network device and the determined software application.”

The outstanding Office Action states that “Sato in view Mauger does not explicitly disclose the process determining software applications running on each plurality of network devices; and classify device function based upon the determined software applications.”²

The outstanding Office Action relies on Grandcolas to describe the above-noted elements of amended Claim 1.

Grandcolas describes a method and system to harmonize access to a given software application program via different access devices. Grandcolas discloses that a financial institution can provide access to a given application (such as electronic bill payment services) to customers using different access devices. The user, via their access device, sends the financial institution information identifying the type of device being used and the application program the user wants to access.³ However, Grandcolas does not describe or suggest that an advanced manager queries the user’s access device to determine at least one software application running on the user’s access device. On the contrary, it is the access device that identifies what software is being used by the access device.⁴

Furthermore, the function of the user’s access device is not classified based upon the identified software application. Grandcolas describes that the user submits information regarding the type of access device being used. Thus, Grandcolas has no reason to include an advanced manager that is operable to classify device function based upon the identified software application.

In view of the above-noted distinctions, Applicant respectfully submit that amended Claim 1 (and dependent Claims 2-10, and 12) patentably distinguishes over Sato, Mauger,

² Office Action, page 13.

³ Grandcolas, Abstract.

⁴ Grandcolas, col. 11, lines 52-58 and col. 12, lines 15-17.

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and Grandcolas, taken alone or in proper combination. In addition, Applicants respectfully submit that amended independent Claims 13, 18, and 21 (and Claims 14-16, and 20) patentably distinguish over Sato, Mauger, and Grandcolas, taken alone or in proper combination for at least the reasons stated for amended Claim 1.

Furthermore, Riggan, Koo, and Buhrke do not cure the above-noted deficiencies in Sato, Mauger, and Grandcolas.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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